

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ZAKUNDA-ZE HANDBERRY, *et al.*,

Plaintiffs,

96 CV 6161 (GBD)

-against-

**DECLARATION OF  
JANICE BIRNBAUM**

WILLIAM C. THOMPSON, JR., *et al.*,

Defendants.  
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I, Janice Birnbaum, pursuant to 28 U.S.C. § 1746, declare that the following statements are true upon penalty of perjury.

1. I am an Assistant Corporation Counsel for the City of New York and am admitted to practice law before the U.S. District Court for the Southern District of New York. Since 1998, I have defended the Board of Education for the City of New York (more commonly known today as the New York City Department of Education; collectively “DOE”), the City of New York, on behalf of its mayoral agency the New York City Department of Correction (“DOC”), and various DOE and DOC officials sued in their official capacities only, (collectively, the “City Defendants”) in *Handberry v. Thompson*, the above-captioned action. I have personal knowledge of the facts set forth in this declaration, which is submitted in further support of the City Defendants’ motion to partially terminate prospective relief filed on September 28, 2018 (Docket No. 271).

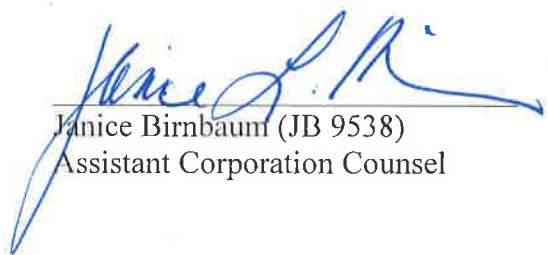
2. Annexed hereto as Exhibit A is copy of the *Second Report on the Status of Education Services for Youth Aged 16-21 at Rikers Island*, dated December 19, 2017 (“Second Report”), prepared by Dr. Peter Leone, Ph.D., Special Master in the *Handberry v. Thompson* litigation. Upon information and belief, on or about December 19, 2017, Dr. Leone sent the

Second Report to (a) the Hon. George B. Daniels, (b) the Plaintiffs' counsel in *Handberry v. Thompson*, and (c) me.

3. Annexed hereto as Exhibit B is copy of the *Third Report on the Status of Education Services for Youth Aged 16-21 at Rikers Island*, dated July 2, 2018 ("Third Report"), prepared by Special Master Leone in regard to the *Handberry v. Thompson* Litigation. Upon information and belief, on or about July 2, 2018, Dr. Leone sent the Third Report to (a) the Hon. George B. Daniels, (b) the Plaintiffs' counsel in *Handberry v. Thompson*, and (c) me.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
October 4, 2018



Janice Birnbaum (JB 9538)  
Assistant Corporation Counsel